

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH
CAROLINA
WESTERN DIVISION
No. 5:19-cv-249-FL**

MATTHEW BRADLEY,)	
)	
Plaintiff,)	
)	
- against -)	
)	
)	
ANALYTICAL GRAMMAR, INC.)	
)	
)	
Defendant.)	

DECLARATION OF LUKE A. DALTON

I, LUKE A. DALTON, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge:

1. I am counsel for Liebowitz Law Firm, PLLC and Richard Liebowitz, Esq. (collectively, “LLF”) and am admitted to practice law in this District.

2. I submit this Declaration in support of LLF and Liebowitz’s Memorandum of Law in Opposition to Analytical Grammar’s Motion for Cost and Expenses.

3. I accessed a GoFundMe website page on August 29, 2021 at <https://www.gofundme.com/f/vetowned-small-biz-sued-for-sharing-a-viral-meme> (“Analytical Grammar’s GoFundMe”).

4. Attached as Exhibit 1 and Exhibit 2 are true and accurate copies of portions of Analytical Grammar’s GoFundMe page accessed on August 29, 2021, including prior posts made thereon.

5. Analytical Grammar’s GoFundMe indicates it was organized by Erin Finley Karl

to raise money to cover legal fees expected to be necessary to defend her business in a lawsuit in which it is being sued for copyright infringement over a viral meme shared on its business Facebook page. (Ex. 1 p 1).

6. Analytical Grammar's GoFundMe states "In Dec 2017 we shared a picture of a visual pun that was going viral around the internet. It also went viral from our page." (Ex. 1. p 2) It goes on to state that "we could not locate the original source." (Ex. 1 p 3).

7. Analytical Grammar's GoFundMe states "Over the last few years I've grown a large Facebook presence on my company page. It now has nearly 800,000 followers. Our page is known for daily grammar lessons, grammar fails, and a deep love for puns." (Ex. 1 p 2).

8. Analytical Grammar's GoFundMe states "If this campaign succeeds in covering the legal costs and has funds remaining, I will use the money to purchase litigation insurance for Analytical Grammar (something I do not currently have), which may help me in the future if it happens again." (Ex. 1 p 3).

9. In a post dated September 22, 2019 by Erin Karl, Analytical Grammar's GoFundMe states "We've already raised enough to cover the retainers and fees that I've had to pay up until this point. That's amazing!" (Ex. 2).

10. In a post dated October 8, 2019 by Erin Karl, Analytical Grammar's GoFundMe states "First, WOW! We have surpassed 20% of the goal, which is amazing. That covers my legal fees and retainers so far, which is an ENORMOUS weight off my chest. Thank you!" (Ex. 2).

11. On August 29, 2021, I accessed the following website for Dan Booth Law: <https://danboothlaw.com/the-weaponized-facebook-meme-a-lawsuit-wrong-on-so-many-levels/> ("Booth September 2019 Blog Post"). A true and accurate copy of the Booth September 2019 Blog Post accessed on August 29, 2021 is attached hereto as Exhibit 3.

Respectfully submitted, this the 30th day of August, 2021.

/s/ LUKE A. DALTON

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CERTIFICATE OF SERVICE

I hereby certify that on this August 30th, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve the document on registered users, including the following:

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